

FILED
LUCAS COUNTY

2003 AUG 28 P 1:33

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

Valentino Rodriguez, et al.,	*	Case No. CI 01-4866
Plaintiffs,	*	Judge James D. Jensen
-VS-	*	JUDGMENT ENTRY
Joseph Maloney, et al.,	*	
Defendants.	*	

This cause is before the Court upon motions for summary judgment filed by defendants General Motors Corporation ("GMC") and National Union Fire Insurance Company of Pittsburgh, PA ("National") and plaintiffs. Defendants argue that because GMC is self-insured they are not subject to requirements of R.C. 3937.18, and, therefore, not required to offer uninsured/underinsured motorists ("UM/UIM") coverage. Upon review of the evidence presented, and based on the recent decision in *Kohntopp v. Hamilton Mut. Ins. Co.* (May 30, 2003), Wood App. No. WD-02-033, 2003-Ohio-2793, the court agrees with the argument and finds that the National policy is a fronting agreement making GMC "self-insured in the practical sense." As such, an offer of UM/UIM at the limits of liability was not required and will not be imposed by law. Although the policy did offer UM/UIM coverage, that coverage is limited to people driving automobiles owned by GMC. The evidence shows that plaintiffs were not driving

a GMC owned auto, therefore, they are not insured under the policy, and not eligible for UM/UIM coverage. Therefore,

It is ORDERED that defendant the motion for summary judgment filed by National is GRANTED.

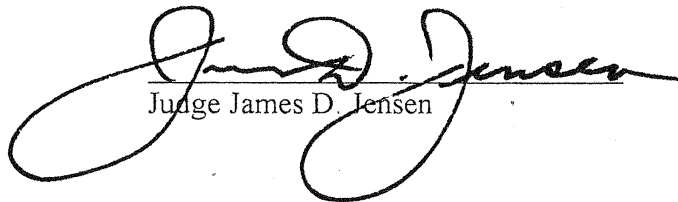
It is further ORDERED that the motion for summary judgment filed by GMC on it's counterclaim for declaratory judgment is GRANTED.¹

It is further ORDERED that the motion for summary judgment against National and GMC filed by plaintiffs is DENIED.

It is further ORDERED that the motions for a protective order filed by GMC and Nation are dismissed as moot.

It is further ORDERED that the clerk of courts shall serve a copy of this Judgment Entry upon all parties.

August 28, 2003


Judge James D. Jensen

cc: Matthew J. Grimm, Esq.
Samuel G. Bolotin, Esq.
Timothy C. James, Esq.
Alton L. Stephens, Esq.
Daniel R. Mordarski, Esq.

¹GMC's motion for summary judgment on plaintiffs' complaint is not properly before the court because plaintiffs dismissed their claims against GMC on June 26, 2002.